

SENATE HEARING SLIP
(Please Print Plainly)

MSM

DATE: March 6, 2001

BILL NO. Abandoned
OR Babies
SUBJECT SB 28

Susan Armacoost
(NAME)
(Street Address or Route Number)

WI Right to life
(City and Zip Code)
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP
(Please Print Plainly)

DATE: 3/6

BILL NO. SB 28
OR
SUBJECT

Lisa Boyce
(NAME)
111 King St
(Street Address or Route Number)

Madison 53701
(City and Zip Code)
Planned Parenthood
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP
(Please Print Plainly)

DATE: 3-6-01

BILL NO. SB 28
OR
SUBJECT

Todd Van Fossen
(NAME)
202 S. Park Street
(Street Address or Route Number)

Madison, WI 53715
(City and Zip Code)
Meriter Hospital
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/5/01

BILL NO. SB 28

OR
SUBJECT _____

Rep. Jskewitz; Rep. Hale
(NAME)

State Capital
(Street Address or Route Number)

PRIMARY AUTHORS
(City and Zip Code)

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: _____

BILL NO. SB 28

OR
SUBJECT _____

Tim Healy + Helen
(NAME)

22 Chestnut
(Street Address or Route Number)

Madison WI
(City and Zip Code)

Safe Place for Newborns
(Representing)

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger PROMPTLY.

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State Capitol - B35 South
P.O.Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/6/01

BILL NO. SB 22

OR

SUBJECT _____

(NAME) Laura Leitch

(Street Address or Route Number) 1 E. Main

(City and Zip Code) Madison 53707

(Representing) W.I. Academy of Family Physicians

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY**.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3-6-01

BILL NO. SB 28

OR

SUBJECT _____

(NAME) Amy Winters

(Street Address or Route Number) 1033 Moline Street

(City and Zip Code) Stoughton, WI 53589

(Representing) _____

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY**.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

SENATE HEARING SLIP

(Please Print Plainly)

DATE: 3/6/01

BILL NO. SB 28

OR

SUBJECT _____

(NAME) Margaret O'Brien

(Street Address or Route Number) 330 E. Lakeside

(City and Zip Code) Madison, 53715

(Representing) State Medical Society

Speaking in Favor:

Speaking Against:

Registering in Favor:

but not speaking:

Registering Against:

but not speaking:

Speaking for information only; Neither for nor against:

Please return this slip to a messenger **PROMPTLY**.

Senate Sergeant-At-Arms
State Capitol - B35 South
P.O. Box 7882
Madison, WI 53707-7882

**Senate Committee on Judiciary and Consumer Affairs and Campaign
Finance Reform**

Request for Paper Ballot Executive Action on 2001 Senate Bill 28

The Senate Committee on Judiciary and Consumer Affairs and Campaign Finance Reform was unable to hold an Executive Session on Senate Bill 28 as planned. We would like to conduct a paper ballot on the bill. **Please return your ballot to Sen. George's office (Room 118 South) by noon Wednesday, March 7, 2001.**

Introduction and Adoption of Substitute Amendment (LRB s0054/1):

- _____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- _____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- _____ **Aye** (In Favor of Adoption of the Substitute Amendment)
- _____ **No** (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 28 As Amended:

- _____ Moved (Optional -- Please check if you wish to Move Passage of the Bill as Amended)
- _____ Seconded (Optional -- Please check if you wish to Second Passage of the Bill as Amended)
- _____ **Aye** (In Favor of Passage of the Bill as Amended)
- _____ **No** (Oppose Passage of the Bill as Amended)

Signed: 

March 7, 2001

Please return to Sen. George's Office by noon Wednesday, March 7, 2001.

**Senate Committee on Judiciary and Consumer Affairs and Campaign
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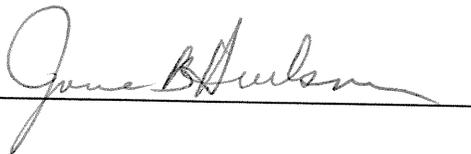
Introduction and Adoption of Substitute Amendment (LRB s0054/1):

- Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- Aye** (In Favor of Adoption of the Substitute Amendment)
- No** (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 28 As Amended:

- Moved (Optional -- Please check if you wish to Move Passage of the Bill as Amended)
- Seconded (Optional -- Please check if you wish to Second Passage of the Bill as Amended)
- Aye** (In Favor of Passage of the Bill as Amended)
- No** (Oppose Passage of the Bill as Amended)

Signed: _____



March 7, 2001

Please return to Sen. George's Office by noon Wednesday, March 7, 2001.

**Senate Committee on Judiciary and Consumer Affairs and Campaign
Finance Reform**

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- _____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- _____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- X Aye (In Favor of Adoption of the Substitute Amendment)
- _____ No (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 28 As Amended:

- _____ Moved (Optional -- Please check if you wish to Move Passage of the Bill as Amended)
- _____ Seconded (Optional -- Please check if you wish to Second Passage of the Bill as Amended)
- X Aye (In Favor of Passage of the Bill as Amended)
- _____ No (Oppose Passage of the Bill as Amended)

Signed: _____



March 7, 2001

Please return to Sen. George's Office by noon Wednesday, March 7, 2001.

**Senate Committee on Judiciary and Consumer Affairs and Campaign
Finance Reform**

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Introduction and Adoption of Substitute Amendment (LRB s0054/1):

- Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- Aye** (In Favor of Adoption of the Substitute Amendment)
- No** (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 28 As Amended:

- Moved (Optional -- Please check if you wish to Move Passage of the Bill as Amended)
- Seconded (Optional -- Please check if you wish to Second Passage of the Bill as Amended)
- Aye** (In Favor of Passage of the Bill as Amended)
- No** (Oppose Passage of the Bill as Amended)

Signed: _____

Robert W. Ulrich

March 7, 2001

Please return to Sen. George's Office by noon Wednesday, March 7, 2001.

**Senate Committee on Judiciary and Consumer Affairs and Campaign
Finance Reform**

Request for Paper Ballot Executive Action on 2001 Senate Bill 28

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Introduction and Adoption of Substitute Amendment (LRB s0054/1):

- _____ Moved (Optional -- Please check if you wish to Move Introduction and Adoption of the Substitute Amendment)
- _____ Seconded (Optional -- Please check if you wish to Second Introduction and Adoption of the Substitute Amendment)
- Aye (In Favor of Adoption of the Substitute Amendment)
- _____ No (Oppose Adoption of the Substitute Amendment)

Passage of Senate Bill 28 As Amended:

- _____ Moved (Optional -- Please check if you wish to Move Passage of the Bill as Amended)
- _____ Seconded (Optional -- Please check if you wish to Second Passage of the Bill as Amended)
- Aye (In Favor of Passage of the Bill as Amended)
- _____ No (Oppose Passage of the Bill as Amended)

Signed: _____

Gayle R. George

March 7, 2001

Please return to Sen. George's Office by noon Wednesday, March 7, 2001.

Vote Record

Senate - Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform

Date: MARCH 6, 2001

Moved by: _____

Seconded by: _____

AB: _____ **SB:** 28

Clearinghouse Rule: _____

AJR: _____ **SJR:** _____

Appointment: _____

AR: _____ **SR:** _____

Other: _____

A/S Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____

A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

- Sen. Gary George, Chair
- Sen. Fred Risser
- Sen. Robert Wirch
- Sen. Joanne Huelsman
- Sen. Scott Fitzgerald

Aye	No	Absent	Not Voting
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Vote Record

Senate - Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform

Date: MARCH 6, 2001

Moved by: _____

Seconded by: _____

AB: _____ SB: 28

Clearinghouse Rule: _____

AJR: _____ SJR: _____

Appointment: _____

AR: _____ SR: _____

Other: _____

A/S Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____

A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Sub Amdt: _____

A/S Amdt: _____ to A/S Amdt: _____ to A/S Sub Amdt: _____

Be recommended for:

- Passage
- Introduction
- Adoption
- Rejection

- Indefinite Postponement
- Tabling
- Concurrence
- Nonconcurrence
- Confirmation

Committee Member

- Sen. Gary George, Chair
- Sen. Fred Risser
- Sen. Robert Wirch
- Sen. Joanne Huelsman
- Sen. Scott Fitzgerald

<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried

Motion Failed

Vote Record

Senate - Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform

Date: MARCH 6, 2001

Bill Number: SB 28

Moved by: _____

Seconded by: _____

Motion: _____

Committee Member

	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Sen. Gary George, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Fred Risser	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Robert Wirch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Joanne Huelsman	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Scott Fitzgerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals:

Motion Carried

Motion Failed

Chair

Theresa H. Richards

Marshfield

Chair Elect

Rexford W. Titus, III

Waukesha

Immediate Past Chair

William D. Petasnick

Milwaukee

President and CEO

Robert C. Taylor

March 6, 2001

TO: Members, Senate Judiciary Committee

FROM: Scott Peterson, Vice President of Government Relations

SUBJECT: Support for Senate Bill 28 / Safe Haven for Newborns

The Wisconsin Health and Hospital Association (WHA) is pleased to support Senate Bill 28, legislation granting immunity and anonymity to desperate mothers looking for a safe haven for their newborn infants. As a member of the *Speaker's Task Force on Abandoned Babies*, WHA appreciated the opportunity to assist in developing the legislation. The bill is a consensus product from a number of diverse groups, and we are proud to be a part of it.

Unfortunately, a growing number of young mothers are giving birth to children in less than ideal family situations. An unwed, teenage girl may give birth to a child and then, out of sheer panic and acute depression, leave the child behind in an unsafe environment. This legislation says to a young mother that you never have to be sorry for giving birth to a child and that there are support structures in place to care for you and/or your baby, no questions asked, no judgments rendered. Mothers who abandon their babies are motivated by fear and guilt. This legislation provides a simple, safe alternative.

WHA thanks Senator Burke, as well as Representatives Jeskewitz and Plale, for providing strong, compassionate leadership on this rare but alarming phenomenon. We look forward to promoting this expected change in law among our member hospitals, each one of which is committed to harboring and caring for newborn babies.

SP/ms



Wisconsin Health &
Hospital Association, Inc.

5721 Odana Road
Madison, WI
53719-1289

608/274-1820

FAX: 608/274-8554

<http://www.wha.org>

Safe Place for Newborns

safeplacefornewborns.org

PO BOX 628124

MIDDLETON, WI 53562

(608) 827-5949

(608) 827-0845 (FAX)

February 26, 2001

Senator Gary George
Chairperson-Judiciary Committee
P.O. Box 7882
Madison, WI 53707

Dear Senator George,

Our organization is aware of your position as Chairperson of the Judiciary Committee. *Safe place for Newborns-Wisconsin* is a nonprofit organization and a member of Speaker's Task Force on Abandoned Babies. We are writing at this to urge you to vote YES for Senate Bill 28.

***The founding purpose and continuing mission of
Safe Place for Newborns is to save the lives of
newborns in danger of abandonment, and to help
preserve the health and future of their mothers.***

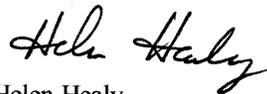
Our research reveals that over 100 infants under two weeks old were abandoned in the United States last year. Our state of Wisconsin is not immune from this travesty.

In cooperation with the Dane County District attorney, *Safe Place for Newborns-Wisconsin* currently has facilitated the option of a woman to bringing an unharmed infant, under 3 days old, to any hospital in Dane County, without fear of prosecution.

Passing Senate Bill 28 is critical to our cause because there are individual groups and hospitals all over Wisconsin that want to start *Safe Place for Newborns* organizations in their communities.

We invite you to review our enclosed packet of information. Please feel free to contact us with any questions you may have. After review of our information we hope that you too will support *Safe Place for Newborns-Wisconsin* and provide us with a Law that will help change the outcome of many lives.

Sincerely,



Helen Healy
President
Safe Place for Newborns



Colette Wagner
Safe Place for Newborns
e-mail: colettewagner_safeplace@yahoo.com

enclosure

safe place for newborns



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Judy McClain
Penny Richert
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Sherry Quamme

Rossmiller, Dan

From: Schooff, Susie
Sent: Tuesday, December 19, 2000 11:53 AM
To: *Legislative All Assembly; *Legislative All Senate
Subject: Co-sponsorship: Safe Harbor for Newborns

DATE: December 19, 2000
TO: Legislative Colleagues
FROM: Representatives Jeff Plale and Suzanne Jeskewitz (LRB 0609/3)
Senate Companion authored by Senators Brian Burke and Peggy Rosenzweig (LRB 1561/1)
RE: Co-sponsorship of LRB 0609/3 and LRB 1561/1

At the end of last session, we introduced a bill that would allow desperate mothers to abandon their baby to a "safe haven" without fear of prosecution for child abandonment. During the summer, a task force was appointed to discuss the legislation. The task force met four times, two meetings in the capitol and two public hearings. Members of the task force include Sue Armacost, WI Right to Life, Vince Biskupic, Outagamie County District Attorney, Helen Healy director of Safe Place for Newborns Dane County, Nancy Korom, Children's Hospital of Wisconsin and Lisa Purtell-Boyce, Planned Parenthood of Wisconsin, along with both of us. **The task force recommended the draft unanimously.** Anne Sappenfield, Leg. Council and Gordon Malaise, LRB also attended all of the meetings.

We are re-introducing this legislation with a couple of minor changes. Highlights of the bill include:

- A woman may "abandon" her baby in a hospital, to a 911 response team, an EMT or a law enforcement officer
- The baby must be less than 72 hours old (or reasonably assumed so by the person who receives the baby)
- No one may attempt to detain, follow or search for the relinquishing parent **unless the child has been abused or neglected** (as defined in Chapter 48)
- The person who takes the newborn into custody must offer the mother the Maternal and Child Health toll free number, currently operating through DHFS as well as the county health department number
- The person receiving the baby is immune for any act in good faith or omission in connection with the relinquishment
- A child relinquished will be assumed Medicaid eligible
- The relinquished child would go through the current termination of parental rights proceedings

If you would like to co-sponsor this proposal, please contact Susie Schooff in Representative Plale's office at 6-0610 (or by email) by Friday, January 12th. Representative Plale's office will be recording all cosponsors for both bills. You need only to contact his office.

Analysis by the Legislative Reference Bureau

Under current law, a child may be taken into custody under various circumstances, including circumstances under which a law enforcement officer believes on reasonable grounds that the child is in immediate danger from his or her surroundings and removal from those surroundings is necessary. If the child is not returned to his or her parents, the person taking the child into custody must deliver the child to the intake worker of the court assigned to exercise jurisdiction under the Children's Code (juvenile court). The intake worker must then determine whether to release the child or hold the child in custody. The intake worker may determine to hold the child in custody if certain grounds exist for holding the child in custody, for example, there is probable cause to believe that the child is within the jurisdiction of the juvenile court and that the child's parent is unavailable to provide care and supervision for the child and services to ensure the child's safety and well-being are not available or would be inadequate. If the intake worker determines to hold the child in custody, a hearing must be held to determine whether the child shall continue to be held in custody, and a petition alleging that the child is in need of protection or services must be filed with the juvenile court.

If the child is found to be in need of protection or services, the juvenile court may impose certain dispositions to maintain and protect the well-being of the child, including placing the child in a foster home and transferring legal custody of the child to the county department of human services or social services, a licensed child welfare agency, or, in Milwaukee County, the department of health and family services (DHFS). If the child is placed outside of the child's home, the agency primarily responsible for providing services for the child, subject to certain exceptions, must make reasonable efforts to make it possible for the child to return safely to his or her home and may, at the same time as the agency is making those efforts, make reasonable efforts to place the child for adoption, with a guardian, or in some other alternative permanent placement. Before a child may be adopted, however, the juvenile court must terminate the parental rights of the child's parents. A termination of parental rights (TPR) may be ordered either with the voluntary consent of the child's parents or involuntarily. For the juvenile court to order an involuntary TPR, certain grounds must be proven, among them, abandonment.

This bill permits a child whom a law enforcement officer, emergency medical technician, or hospital staff member reasonably believes to be 72 hours old or younger (newborn child) to be taken into custody under circumstances in which a parent of the newborn child relinquishes custody of the newborn child to the law enforcement officer, emergency medical technician, or hospital staff member and does not express an intent to return for the newborn child. The bill also permits a parent who wishes to relinquish a newborn child, but who is unable to travel to a place where a law enforcement officer, emergency medical technician, or hospital staff member is located, to call "911" and requires the person receiving the call to dispatch a law enforcement officer or emergency medical technician to meet the parent and take the newborn child into custody. A law enforcement officer, emergency medical technician, or hospital staff member who takes a newborn child into custody must take any action necessary to protect the health and safety of the newborn child and, within 24 hours after taking the newborn child into custody, deliver the newborn child to the intake worker.

A parent who relinquishes his or her newborn child under the bill and any person who assists the parent in that relinquishment have the right to leave at any time and to remain anonymous, and no person may follow or pursue the parent or person assisting the parent or induce or coerce a parent or person assisting a parent who wishes to remain anonymous into revealing his or her identity, unless the person has reasonable cause to suspect that the child has been the victim of abuse or neglect. The bill also prohibits any officer, employee, or agent of the state or a political subdivision of the state from attempting to locate or ascertain the identity of a parent who relinquishes custody of his or her newborn child under the bill or any person who assists the parent in that relinquishment, unless the officer, employee, or agent has reasonable cause to suspect that the child has been the victim of abuse or neglect. In addition, the bill provides for the confidentiality, subject to certain exceptions, of all records relating to the relinquishment of a newborn child under the bill.

The bill requires a law enforcement officer, an emergency medical technician, or a hospital staff member who takes a newborn child into custody to make available to the parent who relinquishes custody of the child the maternal and child health toll-free telephone number maintained by DHFS under the federal Maternal and Child Health Services Block Grant Act and the telephone number of the local health department. The decision whether to accept that information is entirely voluntary on the part of the parent, and no person may induce or coerce a parent into accepting that information.

The bill grants a parent who relinquishes custody of his or her newborn child under the bill and any person who assists a parent in that relinquishment immunity from any civil or criminal liability for any good faith act or omission in connection with that relinquishment, including immunity for exercising the right to remain anonymous, the right to leave at any time, and the right not to accept any information made available to the parent and immunity from prosecution for abandonment of a child or for neglecting a child. Similarly, the bill

grants a law enforcement officer, an emergency medical technician, or a hospital staff member immunity from any civil or criminal liability for any good faith act or omission occurring within the scope of his or her duties under the bill.

Finally, the bill permits a juvenile court to exercise jurisdiction over a newborn child who has been relinquished under the bill and who is alleged to be in need of protection or services and to grant an involuntary TPR over a newborn child on the grounds that custody of the newborn child has been relinquished under the bill.

For further information see the state and local fiscal estimate, which will be printed as an appendix to this bill.

New Dane County Program...

...to end newborn abandonment



A First Of Its Kind Program In Wisconsin.

Contacts:

Tim and Helen Healy
(608) 827-5949 (voice)
(608) 827-0845 (fax)

MADISON, WI (July 27, 2000) – On May 8, 2000, an Elkhorn woman gave birth to her newborn son. The baby died in the toilet while she took a bath. In October of last year, a 19-year-old UW-Platteville student was charged with killing her newborn son by wrapping him in a towel, a plastic shopping bag and then hiding him in a book bag under her bed.

It's time for something to be done. A group of concerned citizens have rallied the support of the Dane County District Attorney, Dane County Hospitals and the Department of Human Services to provide a solution. Safe Place for Newborns is a program, which gives women an alternative to child abandonment. She can leave her unharmed newborn, up to 3 days old, with the personnel of any hospital in Dane County – no questions asked. She need not fear prosecution for abandonment or neglect.

Madison Mayor Susan Bauman said in a letter to the organization, "Through a public/private partnership, Safe Place for Newborns provides a safe avenue for mothers in distress to place an unharmed and unwanted child in a safe environment, possibly saving the child's life and protecting the mother from prosecution of abandonment charges. Said Bauman, "I feel this program will provide an important service to our citizens and will greatly benefit our community."

Safe Place for Newborns enjoys the support and cooperation of numerous other officials and organizations in Dane County, among them: District Attorney G. Brian Brophy, Department of Human Services, and all Dane County Hospitals: Meriter Hospital, St. Marys Hospital, Stoughton Hospital, UW Hospital and Clinics and UW Children's Hospital.

Dane County District Attorney G. Brian Brophy, in his support of the program said, "Safe Place for Newborns provides protection for helpless infants, our most vulnerable and precious community members."

In addition to launching in Dane County today, Safe Place for Newborns is working with Rep. Jeff Plale (D-Milwaukee) and Rep. Suzanne Jeskewitz (R-Menomonee Falls) in proposing legislation to make Safe Place for Newborns a statewide program throughout Wisconsin. Many states have passed or have proposed similar legislation.

Safe Place for Newborns Wisconsin is the first chapter incorporated under the national organization of Safe Place for Newborns headquartered in Minneapolis, Minnesota. Safe Place for Newborns is a Wisconsin not-for-profit organization. It is presently raising funds in the community to support its efforts.

FAQ SHEET



Safe Place for Newborns

safeplacefornewborns.org

PO BOX 628124

MIDDLETON, WI 53562

(608) 827-5949

(608) 827-0845 (FAX)



BOARD OF DIRECTORS

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Nancy Emmel
David Flakne
Linda Flakne
Helen Healy
Tim Healy

Advisors

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Susanna Herro
Rep. Sue Jeskewitz
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Judy McClain
Penny Richert
Rep. Jeff Plale
Sherry Quamme

What is Safe Place for Newborns?

Safe Place for Newborns provides a mother, who might otherwise abandon her newborn, with the option of anonymously leaving her unharmed baby, up to 3 days old, at the emergency room of a participating hospital without fear of prosecution.

Will the mother be asked any questions, or be contacted by authorities?

No authorities will be contacted and the mother's identity will not be asked. The mother will be asked if she is willing to answer a few medical background questions for the baby's records. The mother will also be asked if she would like to receive any medical care.

Why 3 days?

The first hours of a newborn's life are the most vulnerable, therefore, more urgent. Also, Wisconsin already has Crisis Nurseries that receive children of all ages.

Why is there a need for Safe Place?

There is an escalating crisis in the United States. Mothers are keeping their pregnancy a secret, and then discarding the child after the birth. Safe Place for Newborns provides an alternative to frightened women, who, in a moment of desperation, may do something drastic.

What happens to a child left with Safe Place?

The hospital will provide any needed medical care. They will contact the Dep. of Health and Human Services, who will assume custody of the baby, and follow normal child abandonment procedures.

What happens if the mother changes her mind and wants her baby back?

She can contact the hospital. The hospital will refer the mother to the Department of Health and Human Services. Normal identification procedures will be followed and the DHHS will determine the best course of action.

What about the baby's father, or other relatives?

As with the question above, they can contact DHHS.

If the newborn is injured or harmed, but a mother chooses to use the program, could she be turned away or face prosecution?

No newborn will be turned away. However, the guarantees of anonymity and freedom from prosecution only apply to those mothers bringing unharmed newborns.

Can anyone other than the mother of a newborn use this program without being prosecuted?

Yes, if the person is acting with the mother's permission. If the newborn is unharmed, the father or immediate family can use this program within 72 hours of birth.

How can I help?

Since we are still a "work in progress" we welcome offers to help! Presently, we are working on distribution of the Safe Place brochure. We want to get it into the hands of as many young people as possible. Suggestions? Want to help? Contact Safe Place at 608-827-5949.



**DISTRICT ATTORNEY
COUNTY OF DANE**

**BRIAN W. BLANCHARD
DISTRICT ATTORNEY**

January 1, 2001

Board of Directors Safe Place for Newborns/Dane County
c/o Helen and Tim Healy
P.O. Box 628
Middleton, WI 53562

Dear Safe Place for Newborns Board of Directors:

I write to express my support for a "Safe Place for Newborns," your potentially life saving program now being launched in Dane County. After discussing "Safe Place" with leaders of your program and others, and reviewing your procedures, I believe that your program is a sound attempt to reduce incidents of infant abandonment.

Your program encourages parents of unwanted newborns and infants to leave their infants at cooperating hospitals, avoiding the possible tragedy of injury or death to the child. The program applies to unharmed newborn infants up to 72 hours old who are turned over to hospital officials for care and shelter with no questions asked. The Dane County Child Protection team then initiates a CHIPS proceeding, leading the child to being placed in foster care and, ultimately, a permanent home through the adoption process.

I endorse and support this innovative approach to protect the health and safety of infants. As the Dane County District Attorney, I will refrain from prosecution for neglect or abandonment in situations in which an unharmed newborn child up to 72 hours old is delivered to the care of hospital officials.

Your compassionate work is an inspiration. Please do not hesitate to contact me with any questions.

Sincerely,


Brian W. Blanchard
Dane County District Attorney

BWB/mlb

Praise for Safe Place program

If you have a chance to save a life, you save it. Everything else is secondary. That's why the Safe Place for Newborns program begun last week in Dane County is praiseworthy.

Safe Place for Newborns was founded to address the horror of distressed mothers abandoning babies in garbage bins, bathrooms and elsewhere. The program gives those mothers another option: It allows a mother anonymously to bring her newborn to any hospital emergency room in the county and leave the baby in safe hands, without fear of prosecution.

The infant must be unharmed and must be no more than 72 hours old. The mother must declare that she is submitting the baby to the program, but she does not have to give her name. Once the baby is in the hospital's hands, proceedings are begun to terminate parental rights and place the child up for adoption.

The program provokes some discomforting questions. What are the ramifications for the child, who will never know who the biological mother was? What about the father's rights? What if the mother changes her mind? What about grandparents' rights? Could the mother be required to leave some basic medical information that may help the baby — or its adoptive parents — later?

Some of the questions have answers. Fathers, for example, can establish their rights through a DNA test. Some questions just lead to more questions.

But the questions are secondary to one certainty: The program is better than the alternative — infants abandoned to die.

Though this sort of program is relatively new, there is evidence that it works. The founder of a Safe Place for Newborns program in southern Alabama said that in the 18 months before the program started there, 19 deaths of abandoned babies were reported. In more than a year since the program began, five newborns were turned in and one death due to abandonment was reported.

Reported cases of infant abandonment in Wisconsin are rare. But a 20-year-old UW-Platteville student was charged this year in the death of her newborn. She is accused of delivering the baby in a bathroom and hiding him in a book bag.

The Dane County program was developed not by officials but by three Madison couples — Tim and Helen Healy, Grant and Nancy Emmel and Dave and Linda Flakne. They obtained the cooperation of all Dane County hospitals and the Dane County district attorney's office, which agreed not to prosecute any mother who properly enters the program. The Legislature can put the program on more solid ground by putting the no prosecution pledge into law statewide.

What the program and its toll-free hotline, (877) 440-BABY, need now is publicity. Every new mother in a dire situation should know about Safe Place for Newborns.

WISCONSIN  STATE JOURNAL

Phil Blake, publisher Frank Denton, editor Thomas W. Still, associate editor
Sunny Schubert, editorial writer Chuck Martin, editorial writer

Opinions above are shaped by this board, independent of news coverage decisions elsewhere in the paper.

MISSION STATEMENT

The founding purpose and continuing mission of Safe Place for Newborns is to save the lives of newborns in danger of abandonment, and to help preserve the health and future of their mothers.

safe place for newborns



Safe Place for Newborns

PO Box 628
MIDDLETON, WI 53562-8124
608-827-5949
(FAX)608-827-0845

The hospitals of Dane County that are **ready and willing** to help you are:

MERITER

Meriter Hospital: (608) 267-6000
202 S Park St., Madison, WI 53589
(Park Street and Regent Street)

St. Marys

Hospital Medical Center

St Mary's Hospital: (608) 251-6100
707 S. Mills St., Madison, WI 53715
(Mills Street and Erin Street)

University of Wisconsin
Hospital and Clinics

University of Wisconsin Hospital:
(608) 263-6400

**UW Children's
Hospital**

UW Children's Hospital:
(608) 263-7337
600 Highland Ave., Madison, WI 53792
(Highland Ave. and University Drive)

Stoughton Hospital

Stoughton Hospital: 608-873-6611
900 Ridge Street, Stoughton, WI 53589
(Ridge Street and Church Street)



Brian Brophy
Dane County District Attorney

"As the Dane County District Attorney, I am committed not to pursue prosecution for neglect or abandonment in situations where an unharmed newborn child (up to 72 hours) is turned over to hospital officials for emergency care and shelter."

Safe Place for Newborns Wisconsin is a not-for-profit Wisconsin organization. It is privately funded by individuals and organizations.

Safe Place for Newborns

Tax deductible contributions to support Safe Place for Newborns can be sent to:

Safe Place for Newborns
PO Box 628
Middleton, WI 53562-8124

No one knew you were pregnant.
Now you have a baby
and you don't know what to do.

Don't abandon your baby.

There is a

Safe Place

for your newborn.

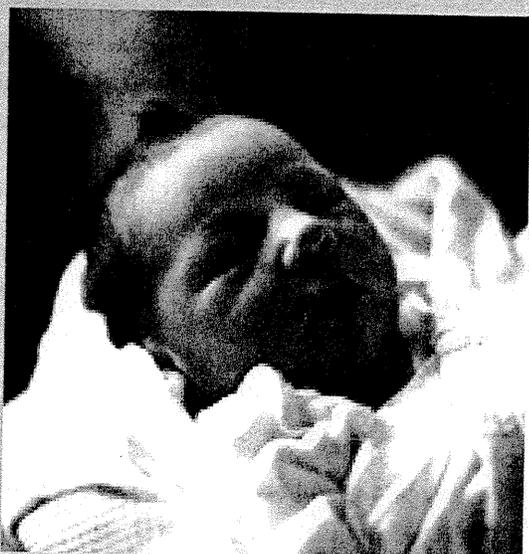
Safe Place for Newborns



TOLL FREE

Crisis hotline: 1-877-440-BABY

For information call 608-827-5949
www.safeplacefornewborns.org



Precious...
Beautiful...
Helpless.

Your baby is counting on you -
but you don't know what to do.

**Don't abandon your baby.
Bring your baby to a hospital
in Dane County.**

NO QUESTIONS ASKED

Simply bring your unharmed newborn within 3 days to any hospital in Dane County.

(TOLL FREE) Crisis Hotline: 1-877-440-BABY

For your newborn - Safe. The hospital will care for your newborn and provide medical attention until your baby is placed in an appropriate home.

For You - Confidential. Your confidentiality is assured. The police will NOT be involved. No questions will be asked, not even your name. Just bring your baby to one of the hospitals listed on the back of this brochure within three days of its birth. Tell the hospital personnel that you want your baby left with "Safe Place for Newborns."

safe place for newborns



Don't wait - HELP IS AVAILABLE NOW!

When you're scared, it's easy to think that you are all alone - but you are not alone... there are many people who are ready and willing to help you. Don't wait until your baby is born. Call 877-440-BABY. The 24-hour Crisis number is ready now to connect you with the help you need. Won't you call? For yourself and your baby.

Safe Place for Newborns

Safefornewborns.org

PO BOX 628124

MIDDLETON, WI 53562

(608) 827-5949

(608) 827-0845 (FAX)



Child Abandonment in Wisconsin

Child Abandonment and neglect of infants is highly difficult to trace in Wisconsin. This type of information is not reported or reported under old codes that are no longer identified. The Department of Health and Family Services most recent statistics from 1996, reports that there were 10 deaths due to physical abuse and neglect by parents of children under the age of one year. This does not include the number of newborns abandoned and found alive.

Amy Smith
Child Protective Services Specialist
Bureau of Programs and Policies
608-267-3905

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The stories behind some of the statistics

After reviewing Wisconsin homicide records, Safe Place for Newborns was able to piece together from local newspaper articles some stories behind the statistics. This review is not exhaustive and again only deals with the stories about newborns that were left to die or killed by their mothers.

Elkhorn woman facing charges of drowning newborn in toilet-

Milwaukee Journal Sentinel 5-16-00

Elkhorn- A 30-year-old woman was expected to be charged today with homicide for allegedly giving birth while seated on a toilet in her apartment and then watching until the newborn boy stopped struggling in the water before calling 911, authorities said.

Student Charged in Newborn's Death

Wisconsin State Journal 1-29-00

Platteville- A 20-year-old UW-Platteville student was charged Friday in the death of her newborn baby in October, who she allegedly delivered in a bathroom and hid in a book bag. The complaint states that she gave birth to the boy at her parents' home in Benton on Oct. 25, then wrapped him in a towel, a plastic shopping bag and a book bag, which was then pushed under her bed.

Judge Renders Mercy in Death of Newborn-

Wisconsin State Journal 11-25-1998

Eau Claire- A 13-year-old girl who became pregnant after she was raped and later killed her newborn baby in a YMCA bathroom was sentenced....A janitor found the infant's body in two plastic bags, one inside the other, in a garbage can in the bathroom near the main lobby. An autopsy determined the baby died of asphyxiation and numerous skull fractures, court records said.

Dead Baby Found in Closet of Home

Madison Newspapers 4-10-97

Wausau-A body of an infant apparently born about four months ago has been found in the garage of a home police said Wednesday.

Police Chief William Brandimore said a 17-year-old apparently gave birth to the baby.

The body was discovered by another family member who notified police.

The body was badly decomposed and the cause of death wasn't immediately apparent. The chief said the high school student's pregnancy apparently went unnoticed and the baby was delivered alone in her home.

Teen-ager Guilty in Newborn's Death-

Madison Newspapers 10-3-96

Kenosha- A teen-ager who told authorities she discarded her newborn son in the garage-- prompting an unsuccessful search of a landfill for the body -- pleaded guilty Wednesday to reduced charges in the death

Christina A. Barnhill, 18 of Kenosha has been charged with first-degree intentional homicide and concealing a corpse, which carries possible penalties of life plus five years in prison and a \$10,000 fine.

Mom on Trial in Death of Newborn. Prosecutor: Baby Threatened Relationship-

Madison Newspapers 4-17-96

A 30-year old mother suffocated her "unwanted" newborn son because she feared the baby was a threat to her relationship with her fiancé, a prosecutor told jurors Tuesday.

Mom, 17, Sentenced in Baby's Death

Madison Newspapers 2-22-90

A 17-year-old girl who was convicted of killing her newborn baby was sentenced to three years at a juvenile detention facility.

The girl earlier had been convicted of first-degree reckless homicide and causing great bodily harm in the death of her 3-week-old baby last November. The child died from a head injury

Baby in Custody after threat to Fetus

Madison Newspapers 1-16-90

Racine- A baby whose mother had threatened to throw the child in the garbage was taken into temporary custody by Racine County officials immediately after the birth.



WISCONSIN LEGISLATIVE COUNCIL STAFF MEMORANDUM

One East Main Street, Suite 401; P.O. Box 2536; Madison, WI 53701-2536

Telephone: (608) 266-1304

Fax: (608) 266-3830

Email: leg.council@legis.state.wi.us

DATE: June 21, 2000

TO: REPRESENTATIVES SUZANNE JESKEWITZ AND JEFFREY PLALE

FROM: Anne Sappenfield, Staff Attorney *AS*

SUBJECT: Involuntary Termination of Parental Rights in Cases of Abandonment

This memorandum, prepared at your request, describes the process under current law for involuntary termination of parental rights in cases in which a child has been abandoned by his or her parent. Current law provides that "termination of parental rights" (TPR) means that all rights, powers, privileges, immunities, duties and obligations existing between parent and child are permanently severed pursuant to a court order.

A. ABANDONMENT AS GROUNDS FOR INVOLUNTARY TPR

Under current law, there are several grounds which, if found, constitute the grounds for which parental rights may be terminated involuntarily. One of the grounds for TPR is abandonment. Abandonment must be established by proving *any* of the following:

1. That the child has been left without provision for the child's care or support; the person or agency filing the TPR petition has investigated the circumstances surrounding the matter; and for 60 days, the petitioner has been unable to find either parent.
2. That the child has been left by the parent without provision for the child's care or support in a place or manner that exposes the child to substantial risk of great bodily harm¹ or death.

1. Section 939.22 (14), Stats., defines "great bodily harm" to mean bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

3. That a court of competent jurisdiction has found in either a child in need of protection or services proceeding or a criminal proceeding that the child was abandoned when the child was under one year of age.

4. That the child has been placed, or continued in placement, outside the parent's home by a court order and the parent has failed to visit or communicate with the child for a period of three months or longer.

5. The child has been left by the parent with any person; the parent knows or could discover the whereabouts of the child; and the parent has failed to visit or communicate with the child for a period of six months or longer.

For the grounds under items 4. and 5., above, current law specifies that incidental contact between the parent and child does not preclude the court from finding that the parent has failed to visit with the child. Also, current law provides that the time periods under items 4. and 5. do not include any periods during which the parent has been prohibited by judicial order from visiting or communicating with the child.

Current law also provides that, for the grounds described in items 4. and 5., above, abandonment is not established if the parent proves *all* of the following by a preponderance of the evidence:

1. That the parent had good cause for having failed to visit with the child throughout the period of time at issue.

2. That the parent had good cause for having failed to communicate with the child throughout the time period at issue.

3. If the parent proves good cause under item 2., above (including good cause based on evidence that the child's age or condition would have rendered any communication with the child meaningless), that one of the following occurred:

a. The parent communicated about the child with the person or persons who had physical custody of the child during the time period at issue or with the agency responsible for the care of the child.

b. The person had good cause for having failed to communicate about the child with the person or persons who had physical custody of the child or the agency responsible for the care of the child throughout the time period at issue.

[s. 48.415 (1), Stats.]

B. PETITION FOR TPR

A proceeding for a TPR must be initiated by a petition to the juvenile court. The petition may be filed by any of the following: (1) the child's parent; (2) an agency (i.e., the Department

of Health and Family Services (DHFS), a county department of human or social services or a child welfare agency); (3) a person who has knowledge of the facts or is informed of them and believes them to be true; or (4) a relative with whom a child has been placed with plans that the relative will adopt the child. The petition must set forth the following with specificity:

1. The name, birth date and address of the child.
2. The names and addresses of the child's parent or parents, guardian and legal custodian.
3. A statement of the grounds for involuntary TPR and a statement of the facts and circumstances which the petitioner alleges establish these grounds.
4. A statement of whether the child may be subject to the Federal Indian Child Welfare Act.²

The petitioner must cause the summons and petition to be served upon the following persons:

1. The parent or parents of the child, unless the child's parent has waived the right to notice.
2. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry and paternity has not been established, any person believed to be the father of the child.
3. The guardian, guardian ad litem (GAL) and legal custodian of the child.
4. Any person who has physical custody of the child excluding foster parents and treatment foster parents.
5. The child, if the child is 12 years old or older.

In addition, the petitioner must also notify any foster parent, treatment foster parent or other physical custodian of the child of all hearings on the petition.

Generally, a copy of the summons and petition must be served personally upon the above parties, if known, at least seven days before the date of the hearing. However, if, with reasonable diligence, a party cannot be served personally, service must be made by publication of the notice. Such a notice must be published as a class I notice (i.e., published at least once). Under current law, a legal notice must be published in a newspaper likely to give notice in the area or to the person affected. In determining which newspaper best serves this purpose, the petitioner or the court must consider the residence of the party, if known; the residence of the relatives of the party, if known; or the last-known location of the party. The notice must include the date,

2. The Federal Indian Child Welfare Act provides certain restrictions on foster care and adoptive placements of American Indian children.

place and circuit court branch of the hearing, the court file number, the name, address and telephone number of the petitioner's attorney and information the court determines to be necessary to give effective notice to the party or parties. This information must include all of the following, if known: (1) the name of the party or parties to whom notice is being given; (2) a description of the party or parties; (3) the former address of the party or parties; (4) the approximate date and place of conception of the child; and (5) the date and place of birth of the child. [s. 48.417, Stats.]

C. COURT REPORTS

If a TPR petition is filed by an agency or if the court so orders, an agency must file a report with the court that must include all of the following:

1. The social history of the child.
2. A medical record of the child including medical information relating to the child's birth parents.
3. A statement of the facts supporting the need for TPR.
4. If the child has been previously adjudicated to be in need of protection and services, a statement of the steps the agency or the person responsible for provision of services has taken to remedy the conditions responsible for court intervention and the parent's response to and cooperation with these services. If the child has been removed from the home, the report should also include a statement of the reasons why the child cannot be returned safely to the family and the steps the person or agency has taken to effect this return.
5. A statement of other appropriate services, if any, which might allow the child to return safely to the home of the parent.
6. A statement applying the standards and factors which the court must determine in deciding an appropriate disposition, as described below, in the case before the court.
7. If the court recommends that the parental rights of both of the child's parents or child's only living or known parent are to be terminated, the report must also contain a statement of the likelihood that the child will be adopted.
8. If an agency determines that it is unlikely that the child will be adopted, or if adoption would not be in the best interests of the child, the report must include a plan for placing the child in a permanent family setting.

The agency required to file the report must prepare the medical record within 60 days after the date of the TPR petition. [s. 48.425, Stats.]

D. HEARING ON THE PETITION

The initial hearing on a TPR petition must be held within 30 days after the petition is filed. The purpose of this hearing is to determine whether the petition is contested by any party. If the petition is contested, the court must set a date for a fact-finding hearing to be held within 45 days of the hearing on the petition, unless all of the necessary parties agree to commence with the hearing on the merits immediately. If the petition is not contested, the court must still hear testimony in support of the allegations.

If a fact-finding hearing is held, it may be held before a jury or to the court and must be closed to the public. The purpose of the fact-finding hearing is to determine whether grounds exist for TPR in those cases in which the termination was contested at the hearing on the petition. If the hearing is to a jury, the jury may only decide if any grounds for TPR have been proven. The court must decide what disposition is in the best interest of the child. If grounds for TPR are found by the court or jury, the court must find the parent unfit. However, a finding of unfitness does not preclude the dismissal of the petition as a disposition. The court must then proceed immediately to hear evidence and motions related to the proper disposition of the case. The court may delay making the disposition and set a date for the dispositional hearing no later than 45 days after the fact-finding hearing if either of the following exists:

1. All of the parties agree.
2. The court has not yet received a report on the history of the child from an agency and the court now directs the agency to prepare this report in order to consider it before making the disposition. [s. 48.422, Stats.]

E. DETERMINATION OF APPROPRIATE DISPOSITION

In making the decision of the appropriate disposition in a TPR case, the court must consider the standard and factors described below and any reports submitted by an agency. Current law specifies that the best interests of the child is the prevailing factor that must be considered by the court in determining the disposition of a TPR proceeding. In considering the best interests of the child, current statutes provide that the court must consider, but is limited to considering, the following factors:

1. The likelihood of the child's adoption after termination.
2. The age and health of the child, both at the time of the disposition and, if applicable, at the time the child was removed from the home.
3. Whether the child has substantial relationships with the parent or other family members, and whether it would be harmful to the child to sever these relationships.
4. The wishes of the child.
5. The duration of the separation of the parent from the child.

6. Whether the child will be able to enter into a more stable and permanent family relationship as a result of the termination, taking into account the conditions of the child's current placement, the likelihood of future placements and the results of prior placements.

[s. 48.426, Stats.]

F. DISPOSITIONAL ALTERNATIVES

At the dispositional hearing, any party may present evidence relevant to the issue of disposition, including expert testimony, and may make alternative dispositional recommendations to the court. After receiving any evidence related to the disposition, the court must order one of the dispositions specified below within 10 days. The court must also give any foster parent, treatment foster parent or other physical custodian of the child an opportunity to be heard at the dispositional hearing by permitting the foster parent, treatment foster parent or other physical custodian to make a written or oral statement during the dispositional hearing, or to submit a written statement prior to disposition, relevant to the issue of disposition.

Current law provides the following dispositions:

1. The court may dismiss the petition if the court finds that the evidence does not warrant the TPR.
2. The court may enter an order terminating the parental rights of one or both parents.
3. If the rights of both parents or of the only living parent are terminated and if a guardian has not been appointed, the court shall do one of the following:
 - a. Transfer guardianship and custody of the child pending adoptive placement to a county department; a child welfare agency; the DHFS; a relative with whom the child resides if the relative has filed a petition to adopt the child or if the relative is a kinship care relative; or an individual who has been appointed guardian of the child by a court of a foreign jurisdiction.
 - b. Transfer guardianship of the child to one of the agencies described above and custody of the child to an individual in whose home the child has resided for at least 12 consecutive months immediately prior to the TPR or to a relative.
4. If the rights of both parents or of the only living parent are terminated and if a guardian has been appointed, a court may enter one of the orders described in item 3.
5. If the rights of one or both parents are terminated and adoption of the child is unlikely or found not to be in the child's best interest, the court may enter an order placing the child in sustaining care.

[s. 48.427, Stats.]

G. APPEAL OF A TPR DECISION

An appeal from a judgment or order terminating parental rights or denying TPR must be initiated by a notice of intent to appeal with the clerk of the trial court in which the judgment or order appealed from was entered within 30 days after the date of entry of the judgment or order. This time period may not be extended. [s. 809.04 (7m), Stats.]

A person filing a notice of intent to appeal must also order a transcript of the reporter's notes within 15 days after filing the notice. The court reporter must file the transcript with the trial court and serve a copy on the person filing the notice within 30 days after the ordering of the transcript. Within 30 days after service of the transcript, the person filing the notice must file a notice of appeal with the check of the trial court. The clerk of the trial court must then transmit the record to the court of appeals as soon as the record is prepared but in no event more than 15 days after the filing of the notice of appeal.

The appellant must then file a brief within 15 days after the clerk of the trial court files the record on appeal. The respondent must file a brief within 10 days after the service of the appellant's brief and the appellant must file, within 10 days after the service of the respondent's brief, a reply brief or statement that a reply brief will not be filed. If the GAL for the child takes the position of the appellant, the GAL's brief must be filed within 15 days of the filing of the record on appeal with the court of appeals. If, on the other hand, the GAL takes the position of a respondent, the GAL's brief must be filed within 10 days after service of the appellant's brief.

TPR appeals must be given preference and must be taken in an order that ensures a decision is issued within 30 days after the filing of the appellant's reply brief or a statement that a reply brief will not be filed.

Current law finally provides that a petition for review of an appeal in the supreme court, if any, must be filed within 30 days after the date of decision of the court of appeals. The supreme court must give preference to a petition for review of a TPR appeal. [s. 809.107, Stats.]

If have any questions or would like further information on this topic, please feel free to contact me at the Legislative Council Staff offices.

AS:tlu:ksm;jal;wu

This is a summary of the information concerning the Involuntary Termination of Parental Rights in Cases of Abandonment.

Section A explains how abandonment is grounds for Involuntary Termination of Parental Rights (TPR). It lists five situations, in which abandonment may be determined, if any one is proven it is considered abandonment and is then grounds to petition for a TPR. Part A continues to explain factors that affect the issue of communication between the abandoned and the parent. These are certain conditions that have to do with why the parent has not communicated with the child.

Section B pertains to the conditions of petitioning for a TPR. It explains who may file a petition (examples: parents, Department of Health and Family Services, relatives with the intent to adopt). Part B details what a petition for TPR must include and to what degree of specificity, as well as the conditions that apply to the actual filing of the petition.

Section C explains the guidelines that an agency must follow when giving a report to the court concerning any TPR petitions filed by that agency.

Section D discusses the time frame and conditions of the initial and fact-finding hearings concerning all TPR petitions. The initial hearing is to determine if any party contests the petition. If, there is no contest only a later hearing is to be scheduled to conduct testimony in favor of the allegations. If the petition is contested there is then a second court date for a fact-finding hearing, in which this section elaborates on what the exact proceedings should be.

Section E explains how the court must decide the appropriate disposition in the TPR case. Meaning the court must put the child's best interests as the number one concern in the decision making process. This section also specifies what should be considered and what limits there are when making the decision for child's best interests. Some of the specific guidelines include how likely the child is to be adopted, the child's own wishes, and the amount of time the child has been separated from their parent just to name a few.

Section F discusses the court's disposition. Specifically on the issues of who can testify, the amount of time in which a court must order a disposition, and the dispositions that are allowed and provided by law.

Section G deals with the appeal of a TPR decision. This section explains the process by which an appeal may be made and the time frame in which someone has the opportunity to appeal the decision (30 days) before the court decision is permanent.